

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

IN RE: BENICAR (OLMESARTAN)
PRODUCTS LIABILITY LITIGATION

:
:
:
:
:
:
:
:

Master Docket No. 15–2606 (RBK/JS)

CASE MANAGEMENT ORDER NO. 20

THESE MATTERS having come before the Court during the case status conference held on Wednesday, January 27, 2016;

IT IS HEREBY ORDERED that the following two cases shall be removed from the list of potential bellwether cases: Civ. No. 15–6509 (*Jarret*) and Civ. No. 15–4737 (*Delong*).

IT IS HEREBY FURTHER ORDERED that the following seven cases shall be added to the list of potential bellwether cases: Civ. No. 15–4796 (*Houck*); Civ. No. 15–4890 (*Sutton*); Civ. No. 15–6631 (*Fitzgerald*); Civ. No. 15–4686 (*Collins*); Civ. No. 15–2488 (*Laney*); Civ. No. 15–4780 (*Dubose*); and Civ. No. 15–4504 (*Lamar Williams*).

IT IS HEREBY FURTHER ORDERED that all Plaintiff Fact Sheets for the potential bellwether cases shall be served no later than March 1, 2016.

IT IS HEREBY FURTHER ORDERED that all Defendant Fact Sheets for the potential bellwether cases shall be served on a rolling basis, but no later than March 30, 2016.

IT IS HEREBY FURTHER ORDERED that before any party raises with the Court an issue regarding an alleged deficient or late fact sheet, that party shall notify the relevant opposing party of the alleged deficiency or tardiness within three (3) weeks of receipt of the deficient fact

sheet or missed deadline. If defendants are raising the issue, Mr. Coffin shall be served with a copy of the letter via email. If plaintiffs are raising the issue, Ms. Sharko shall be served with a copy of the letter via email. If a letter is timely sent regarding a Plaintiff Fact Sheet, the trigger for defendants to serve their completed Fact Sheets shall be stayed. The opposing party shall respond by phone or letter within two (2) weeks of the date of service of the notifying letter. After the expiration of the two (2) weeks, if the issue is not resolved, the moving party may put the dispute on the agenda for the next court conference. If a case appears on the agenda for two court conferences, the moving party may request that an Order to Show Cause be entered to the delinquent party. That Order to Show Cause shall be returnable at the next court conference and require the delinquent party to show cause why the party's complaint or answer should not be dismissed or stricken with prejudice.

IT IS HEREBY FURTHER ORDERED that before defendants raise with the Court an issue regarding deficient information from a potential bellwether plaintiff, defendants shall request the information from the potential bellwether plaintiff via letter. Mr. Coffin shall be served with a copy of the letter via email. The plaintiff shall respond to defendants by phone or letter within two (2) weeks of the date of service of the requesting letter. Plaintiffs must either provide the requested information or explain why the information cannot or should not be provided. If the dispute is not resolved or the potential bellwether plaintiff does not respond, defendants shall put the dispute on the agenda for the next court conference.

IT IS HEREBY FURTHER ORDERED that before defendants raise with the Court an issue regarding an allegedly improvidently-filed case, defendants shall notify the plaintiff of the issue. Mr. Coffin shall be served with a copy of the letter via email. If a letter is sent, the trigger for defendants to serve their completed Fact Sheets shall be stayed. The plaintiff shall respond by

phone or letter within two (2) weeks of the date of service of the notifying letter. If the dispute is not resolved, the moving party may put the dispute on the agenda for the next court conference. The Court will accept letter briefs on the issue of whether the case is improvidently filed and should be transferred.

IT IS HEREBY FURTHER ORDERED that where the same plaintiff has improperly filed two cases, that plaintiff must elect which case to dismiss with prejudice. Until the plaintiff makes his election, the trigger for defendants to serve their completed Fact Sheets shall be stayed.

IT IS HEREBY FURTHER ORDERED that there will be a phone conference with Magistrate Judge Schneider on **Friday, February 12, 2016 at 10:00 A.M.** The next monthly status conference will take place on **Thursday, March 3, 2016 at 2:00 P.M.** in Courtroom 4D of the Mitchell H. Cohen United States Courthouse, 1 John F. Gerry Plaza, Camden, N.J. 08101.

Dated: 01/29/2016

s/ Robert B. Kugler

ROBERT B. KUGLER

United States District Judge